

REMARKS

Claims 1-7, 10-17, 19-35 and 37-50 are currently pending in the subject application and are presently under consideration. A version of the claims is at pages 2-8. Claims 1, 10-15, 19, 25, 37, 38 and 41 have been amended herein and claims 8, 9, 18 and 36 have been cancelled herein. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-50 Under 35 U.S.C. §101

Claims 1-50 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In view of the amendments to independent claims 1, 25 and 41, this rejection is now believed to be moot and should be withdrawn.

II. Rejection of Claims 1-50 Under 35 U.S.C. §102(e)

Claims 1-50 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hsiung *et al.* (US 2003/0144746). Withdrawal of this rejection is requested for at least the following reasons. Hsiung *et al.* fails to disclose all features of the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes ***each and every limitation*** set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

The claimed invention relates to systems and methodologies that facilitate rendering data in an industrial automation environment. In particular, amended independent claim 1 recites a computer-implemented system that facilitates rendering data in an industrial automation environment, comprising a high-speed data collection component that collects data at a rate of at least 100 samples per second per tag; an RTR^m component that indexes data; a trend server that processes the collected data, the trend server comprising a buffer that temporarily stores data; and ***an artificial intelligence (A/I) component associated with the buffer that determines***

whether the collected data requires buffering based at least in part upon one of priority of the collected data and volume of the collected data; and a rendering component that seamlessly renders the processed data. Amended independent claims 25 and 41 recite similar features. Hsiung *et al.* is silent regarding such aspects of the claimed invention.

Hsiung *et al.* provides a system for monitoring an industrial process and taking actions based on the results of the process monitoring. At page 6 of the Office Action, the Examiner incorrectly contends that Hsiung *et al.* discloses inferring whether data requires buffering, as in the claimed invention. At the indicated portions, the reference provides pre-processing techniques such as creating a uniform scale for all sensor data and a data synchronization system that allows a data collection system to mitigate time-lags for different sensors within the system. However, nowhere does the cited reference disclose anticipating such time lags based on characteristics of the data such as priority and volume of the data. Rather, Hsiung *et al.* utilizes rudimentary synchronization schemes to match the rate of data collection with the rate of data collection from other sensors within the system. Consequently, the cited reference does not disclose inferring whether high resolution data requires buffering prior to being rendered for display, let alone employing an *artificial intelligence (A/I) component associated with the buffer that determines whether the collected data requires buffering based at least in part upon one of priority of the collected data and volume of the collected data*, as in the claimed invention.

In view of at least the foregoing, it is readily apparent that Hsiung *et al.* does not teach the identical invention in as complete detail as is contained in the subject claims. Accordingly this rejection with respect to independent claims 1, 25 and 41 (and the claims that depend there from) should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP313US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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